

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>TROY LEWALD,</b> <div style="text-align: center;"><i>Plaintiff,</i></div> <div style="text-align: center;">v.</div> <b>PENNSYLVANIA DEPARTMENT OF CORRECTIONS, et al.,</b> <div style="text-align: center;"><i>Defendants.</i></div>	: : : : : : : :	<b>CIVIL ACTION</b>       <b>NO. 22-cv-04625</b>
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**ORDER**

**AND NOW**, this 29th day of November 2023, upon consideration of the Medical Defendants’ Motion Dismiss (ECF No. 40) and the responses thereto; Defendant Cione’s Motions to Dismiss (ECF No. 50) and the responses thereto; the Commonwealth’s Motion to Dismiss (ECF No. 86) and the responses thereto, and for the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The Medical Defendants’ Motion to Dismiss (ECF No. 40) is **GRANTED** in full;
2. Defendant Cione’s Motion to Dismiss (ECF No. 50) is **GRANTED** in full;
3. The Commonwealth Defendants’ Motion to Dismiss (ECF No. 86) is **GRANTED IN PART and DENIED IN PART**. The Commonwealth Defendants’ Motion (ECF No. 86) is **DENIED** only as to Lewald’s Rehabilitation Act claim against the Pennsylvania Department of Corrections and **GRANTED** as to all other claims against all other Defendants.<sup>1</sup>
4. Defendant Pennsylvania Department of Corrections shall file a responsive pleading to the Complaint (ECF No. 1) on or before **December 13, 2023**.

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<sup>1</sup> The only remaining Defendant is Pennsylvania Department of Corrections “PADOC”. All other Defendants are terminated.

5. Aside from Lewald's Rehabilitation Act claim against PADO, all other claims against all other Defendants are dismissed without prejudice for Lewald to file an Amended Complaint by **January 16, 2024**. If no Amended Complaint is filed by that date, the Court will consider those claims dismissed with prejudice.

6. It is further **ORDERED** that the Plaintiff's Motion to Defer (ECF No. 85), Plaintiff's Rule 56 Motion (ECF No. 93) and Plaintiff's Motion to Reinstate and Substitute (ECF No. 95) and Plaintiff's Nunc Pro Tunc Motion (ECF No. 97) are all **DENIED AS MOOT**.

**BY THE COURT:**

*/s/ Chad F. Kenney*

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**CHAD F. KENNEY, JUDGE**